

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANDRE J. CLAYBORN,

Plaintiff,

V.

## DEPARTMENT OF CORRECTIONS,

Defendant.

Case No. C05-5304RBL

**ORDER TO SHOW CAUSE**

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On May 2, 2005, the clerk received plaintiff's complaint. (Dkt. #1). On May 4, 2005, the clerk sent plaintiff a letter informing him that he must pay the \$250.00 filing fee or file a proper application to proceed *in forma pauperis* by no later than June 3, 2005. (Dkt. #2).

To date, plaintiff has not payed the filing fee or filed a proper application to proceed *in forma pauperis*. Plaintiff has filed several other documents in which he claims his legal mail has been tampered with and he is being denied access to legal resources. (Dkt. #3, #4 and #5). However, the fact that plaintiff has been able to submit these documents indicates that he still has adequate access to legal materials and to the court.

1 Accordingly, this court orders the following:

2 (1) Plaintiff shall seek to cure the deficiencies noted above by filing **no later than July 14,**  
3 **2005**, either the \$250.00 court filing fee or a properly completed application to proceed *in*  
4 *forma pauperis*.

5 **Failure to cure these deficiencies by the above date shall be deemed a failure to**  
6 **properly prosecute this matter and the court will recommend dismissal of this matter.**

7 (2) The clerk is directed to send a copy of this Order to plaintiff along with the appropriate *in*  
8 *forma pauperis* application form.

9 DATED this 14th day of June, 2005.

10  
11 

12 Karen L. Strombom  
13 United States Magistrate Judge